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Planning Commission Date: February 11, 2004

Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: New Business

Report prepared by: James Lindsay

Public Hearing: Yes: _____ No: X

Notices Mailed On: N/A

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TITLE: **ADMINISTRATIVE REVIEW NO. AD2004-2**

Proposal: A request to allow a business-to-business printing operation as a permitted use within the Industrial Park (MP) zoning district.

Location: 496 South Abbott Avenue (APN: 086-06-011)

RECOMMENDATION: **Approval**

Applicant: Tom Tran, Citation Press, 2905 Stender Way, Santa Clara, CA 95054

Property Owner: Milpitas Unified School District, 1331 E. Calaveras Blvd., Milpitas, CA 95035

Previous Action(s): Use Permits, 'S' Zone Application, 'S' Zone Approval Amendments

General Plan Designation: Industrial Park

Present Zoning: Industrial Park ("MP")

Existing Land Use: Multi-tenant industrial building

Environmental info: Exempt

Agenda Sent To: Applicant & Owner

Attachments: Citation Press Business Plan, Industrial Park (MP) Zoning Standards

PJ No. N/A

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THE APPLICATION

The applicant is requesting the Planning Commission to allow a business-to-business printing operation as a permitted use in the Industrial Park zoning district pursuant to Title IX, Chapter 10, Section 35.02-9 (Other similar uses) and 54.02 (Other uses permitted by Commission) of the City's zoning ordinance. The zoning ordinance provides a list of permitted uses in the Industrial Park zoning district that include the assembling and distribution of paper, laboratories, and professional offices. Section 35.02-9 allows the Planning Commission to approve other professional uses determined by the Planning Commission to be of the same general character as the permitted uses and not in conflict with the purpose and intent of the district.

PROJECT DESCRIPTION / CONFORMANCE WITH THE ZONING ORDINANCE

The applicant is proposing to operate a full-service printing business at 496 South Abbott Avenue that serves corporate clients. This is a business-to-business operation and not a retail store such as Kinkos or other retail copy centers.

One of the purposes of the City's industrial zoning districts is to provide areas where business with similar research, assembling, manufacturing, warehousing, and distribution uses can locate with minimum constraints. General retail business are typically not compatible with industrial zones unless they specifically serve industrial business. The Milpitas zoning ordinance makes that distinction by allowing some general retail uses within industrial zones with the approval of a use permit.

In the past, the City has required a conditional use permit for printing business in the industrial districts because "*Printing or stationery store when found necessary to serve that industrial area*" is listed as a conditional use in the M1, M2, & MP Districts. As demonstrated in the applicant's business plan (provided in the attachment), this business is not a retail store and is very similar to the other permitted uses provided in the Industrial Park zoning district. Staff is in support of the determination that business-to-business printing operations are of the same general character as the other permitted uses in the Industrial Park District and does not conflict the district's purpose and intent.

The purpose and intent of the Industrial Park (MP) district is to accommodate a limited group of research, professional, packaging and distribution facilities and uses which may have unusual requirements for space, light, air, and the operation of which are clean and quiet. If approved by the Planning Commission, staff would include printing businesses as a permitted use in the industrial districts within a future zoning text amendment proposal.

RECOMMENDATION

Approve Administrative Permit No. P-AD2004-2.